IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.A.ABDUL GAFOOR
&
THE HONOURABLE MR. JUSTICE K.R.UDAYABHANU

TUESDAY, THE 5TH DECEMBER 2006 / 14TH AGRAHAYANA 1928

WA.No. 71 of 2004-C

AGAINST THE JUDGEMENT IN OP.29718/2002 Dated 19/06/2003
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APPELLANT: RESPONDENTS 1 & 2
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1. THE CHIEF GENERAL MANAGER,
STATE BANK OF INDIA,
LOCAL HEAD OFFICE, TRIVANDRUM.

2. ASST. GENERAL MANAGER, (PERSONNEL &HRD)
STATE BANK OF INDIA,
LOCAL HEAD OFFICE, TRIVANDRUM.

BY ADV. SRI.GEORGE THOMAS (MEVADA)

RESPONDENTS: PETITIONER

SHRI.A.O.PAULOSE,
S/O.OUSEPH A.P.,
SENIOR ASSISTANT,
STATE BANK OF INDIA, ANGAMALY BRANCH
ERNAKULAM.

BY ADV. SRI.GRASHIOUS KURIAKOSE
SRI.B.PRAMOD

THIS WRIT APPEAL HAVING BEEN FINALLY HEARD ON 05/12/2006 ALONG WITH WA NO. 82 OF 2004 THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.A.ABDUL GAFOOR & K.R. UDAYABHANU, JJ.

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W.A.NOS.71 & 82 OF 2004
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DATED THIS THE 5TH DAY OF DECEMBER 2006

JUDGMENT

Abdul Gafoor,J.

The respondents in the writ petitions,the Bank, is aggrieved by the common judgment in O.P.Nos.25833 & 29718/2002, wherein the learned Single Judge directed to consider the claim of the petitioners, along with that of other eligible candidates, for promotion to the vacancies of Junior Management Grade Scale-I that arose in the year 2002-03 in the seniority channel as a result of the promotion of one among the persons included in that channel against the vacancy earmarked for merit-cum-seniority channel. The facts are as follows:

2. Promotion to the Junior Management level is governed by Ext.P1 promotion policy. Clerks in the service of the Bank are considered for promotion to Junior Management Grade Scale-I. The policy envisages setting apart of 90% of vacancies against seniority-cum

merit channel and 10% of vacancies in seniority channel. In the year 2002-03, four vacancies were set apart against 10% seniority channel and four persons as mentioned in the later part of Ext.P3 were included in the list, which was brought into force with effect from 1-2-2002. No.1 among them was one Antony Manjooran. It is an admitted case by both the sides that Antony Manjooran was later included in the select list for promotion in the merit cum seniority channel. Thus, in fact, in the year 2002-03 as against four vacancies set apart for seniority channel, only three persons were available. Clause (3) of Ext.P1 promotion policy reveals as under:

> "3. Seniority Channel
>
> 10% of the posts earmarked for promotions under Merit-cum-Seniority channel will be set aside for an exclusive seniority channel. Promotions against these posts will be made through an interview to be conducted for the candidates who attain the age of 58 years."

This promotion policy thus clearly makes it obligatory to set apart, exclusively, 10% of the posts for seniority promotion. To satisfy this

10%, there shall be four vacancies. This is admitted by the appellant. The Bank cannot be deviate from that. When four vacancies were available in the seniority channel it cannot be reduced to three indirectly. Necessarily one vacancy was exclusively available for seniority channel promotion. This is what has been directed to be considered as per the impugned judgment. We do not, therefore, find any merit in these writ appeals. The Writ appeals are dismissed.

Sd/-
K.A.ABDUL GAFOOR
JUDGE

Sd/-
K.R.UDAYABHANU,
JUDGE

ks. **TRUE COPY**

P.S.TO JUDGE